

**CITY OF DEXTER
ZONING BOARD OF APPEALS
REGULAR VIRTUAL MEETING
Tuesday, February 16, 2021
7:00 pm**

A. CALL TO ORDER

Acting Chairperson Wallaker called the meeting to order at 7:05 pm.

B. ROLL CALL:

K. Becker, participating virtually from the City of Dexter, Michigan

C. Hill, PC Rep., participating virtually from the City of Dexter, Michigan

C. Wallaker, participating virtually from the City Dexter, Michigan

J. Griffin, CC Rep., participating virtually from the City of Dexter, Michigan

Absent: Mekas

Also attending remotely: Mike Auerbach, Assistant Planner, Mr. Scott Westfall, applicant, and members of the public.

C. APPROVAL OF MINUTES

1. ~~December 21, 2020~~ ~~November 16, 2020~~ Meeting Minutes

Moved Becker; support Griffin to approve the December 21, 2020 meeting minutes as presented in the meeting packet.

Ayes: Hill, Becker, Griffin, Wallaker

Nays: None

Absent: Mekas

D. APPROVAL OF THE AGENDA

Moved Griffin, support Hill to approve the agenda as presented.

Ayes: Griffin, Hill, Becker, Wallaker

Nays: None

Absent: Mekas

E. STAFF REPORT

Mr. Auerbach presented the Community Development Manager report as included in the meeting packet.

F. SITE INSPECTION (CONDUCT ON OWN)

G. CONFLICT OF INTEREST/EX PARTE DISCLOSURE

H. PUBLIC HEARINGS

1. AP2020.21-09 ZBA 3274 Eastridge Drive

Applicant: Mr. Scott Westfall

Request: A 10-foot variance from the 40-foot minimum front yard setback required by the R-1A - Residential Cluster Development standards for Westridge cul-de-sac properties, as shown on the approved Final Site Plan.

Mr. Auerbach presented a review of the case and discussed how the front yard setback requirement may create a practical difficulty if it prohibits the applicant from building a permissible structure and preserving a landmark tree. The applicant, Mr. Scott Westfall, presented the variance request to the Board and responded to questions.

Acting Chairperson Wallaker opened the public hearing at 7:42 pm. The following residents provided comments:

1. Mr. Peter Bahr of 3277 Eastridge stated that he voiced his support for request at last meeting, that other houses on the cul-de-sac encroach into the front yard setback, and that the petitioner's requests seems reasonable and not out of character with the rest of the cul-de-sac.
2. Mr. Thomas Arbaugh of 3271 Eastridge stated that he understands the concerns about health of tree, appreciates the work that the Westfalls have done to prove that the tree could be preserved, and that he and other neighbors were concerned that the tree may be taken down some day.

Acting Chairperson Wallaker closed the public hearing at 7:42 pm.

Following the public hearing and a discussion by the Board regarding the facts of the case, the Board took the following action:

Moved by Griffin, with support from Wallaker;

Based on the information provided by the applicant and staff at the February 16, 2021 Zoning Board of Appeals meeting, the Board determines that the variance requested in application AP2020.21-09 ZBA 3274 Eastridge Drive, submitted by Mr. Scott Westfall for property located at 3274 Eastridge, Dexter, MI 48130 (08-03-31-310-212) **MEETS** the criteria required for a variance, pursuant to Section 24.06(A).

Therefore, let it be resolved the Zoning Board of Appeals **GRANTS** the following variance:

1. A 10-foot variance from the 40-foot minimum front yard setback required by the R 1A - Residential Cluster Development standards for Westridge cul-de-sac properties, as shown on the approved Final Site Plan.

Let it further be resolved that minimum front yard setback of 30 feet shall be **PERMITTED** in order for the applicant to construct a single-family dwelling and preserve a landmark tree located on the property, subject to the following conditions:

1. CWA review letter dated February 16, 2021.

2. The site plan must be revised so that the proposed structure does not exceed the R-1A - Residential Cluster Development Special Use, Westridge of Dexter lot coverage requirements.
3. In the event that the tree does not survive the completion of construction or if the tree is determined to be in failing health by the City's arborist, subject to the two-year timeframe and requirements of Section 6.16 of the City of Dexter Zoning Ordinance, the applicant shall be required to remove the tree and replace it in compliance with Section 6.14(D) of the City of Dexter Zoning Ordinance.
4. A performance guarantee shall be required to ensure the applicant replaces the tree, pursuant to the requirements of Section 6.16 of the City of Dexter Zoning Ordinance.

The determination was made based on the following findings, per Section 24.06(A), of the City of Dexter Zoning Ordinance (list findings):

1. The standard of Practical Difficulties is met due to the shape of the lot and the location of the tree, and that the tree is a landmark tree.
2. The standard of Substantial Justice is met.
3. There are no concerns regarding Public Safety and Welfare.
4. The standard of Extraordinary Circumstances is met because of the location of the tree on the property limits siting options for the dwelling.
5. The request will not create a safety hazard or nuisance.
6. The request will be consistent with other land uses on the cul-de-sac.

Ayes: Griffin, Becker, Wallaker

Nays: Hill

Absent: Mekas

Motion carries, variance is granted.

I. OTHER BUSINESS

J. ADJOURNMENT

Moved Hill; support Griffin to adjourn the meeting at 8:06pm

Unanimous voice vote approval.

Respectfully submitted,

Mike Auerbach
Assistant Planner

Approved for filing: April 19, 2021